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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/104,145 06/23/98 ACRES

J 4164-81

EXAMINER

QM32/0110

MARGER JOHNSON  
MCCOLLOM & STOLOWITZ  
1030 S W MORRISON STREET  
PORTLAND OR 97205

CHERUBIN, Y

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

01/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/104,145

Applicant(s)

ACRES, JOHN F

Examiner

Yveste G. Cherubin

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) Substitute
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is a response to the Application No. 09/104,145 filed on June 23, 1998 in which claims 1-32 are pending. It carries priority from the Provisional Application No.60/083,299 filed on April 28, 1998.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 1 – 5, 7 - 10, 14, 17 – 24, 26 – 27, 29 – 32** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Piechowiak et al. (6,012,982).

Note that the secondary game is common to all the machines in the network.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6, 11 - 13, 15 - 16, 25, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Piechowiak et al. '982 in view of Hedrick et al. (US Patent No. 6,135,884).

As per **claim 6**, Piechowiak fails to disclose the method wherein the secondary game comprises a multisegmented wheel. Hedrick mentions the use of a secondary game or bonus game being a "bonus wheel", see 23:37-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bonus wheel into the Piechowiak type system because as players and observers watch a large wheel spin and gradually come to rest, the players experience a heightened feeling of anticipation and excitement as the wheel is slowing down to indicate a possible prize, therefore attract more players.

As per **claims 11 - 12, 25**, Piechowiak in view of Hedrick disclose the claimed invention substantially as explained above. Further, Hedrick discloses the possibility of having a tertiary game in a gaming system, see 3:8-12. With an understanding of the application of the teachings of Piechowiak with the occurrence of the triggering event, it would have been obvious to one of ordinary skill in the art to apply the same teaching for the tertiary game to generate a second bonus. Accordingly, claims 11 - 12, 25 are obvious.

As per **claims 13, 15, 28**, Piechowiak in view of Hedrick disclose the claimed invention substantially as explained above. Further, Hedrick discloses the use of a plasma-based flat panel video display (219) in relation to a secondary game, see 3:42:43, 4:1-2.

As per **claim 16**, Piechowiak in view of Hedrick disclose the claimed invention substantially as explained above. In addition, Hedrick discloses an animated thermometer video to be displayed upon reaching a bonus situation, see 21:6-19.

5. The prior art of record and not relied upon is considered pertinent to the Applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.

US Patent No. 6,089,978 to Adams et al which teaches method of playing game and gaming games with an additional payout indicator.

US Patent No. 5,393,057 to Marnell II which teaches electronic gaming apparatus and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

December 28, 2000

ygc



JESSICA J. HARRISON  
PRIMARY EXAMINER